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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,073	10/23/2003	Kenichi Takagi	9319S-000554	7650
27572 7	04/03/2006		EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			ZACHARIA, RAMSEY E	
P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			ART UNIT	PAPER NUMBER
2500m 1222 m2=2, 100 100 100 100 100 100 100 100 100 10			1773	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<u> </u>		
	Application No.	Applicant(s)
	10/692,073	TAKAGI ET AL.
Office Action Summary	Examiner	Art Unit
	Ramsey Zacharia	1773
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION B6(a). In no event, however, may a reply be time rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
Responsive to communication(s) filed on 12 Ja This action is FINAL . 2b) ☑ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro	
Disposition of Claims		
4) □ Claim(s) 1-11 is/are pending in the application. 4a) Of the above claim(s) is/are withdray 5) □ Claim(s) is/are allowed. 6) □ Claim(s) 1-11 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or are subject to restriction and/or are subject to by the Examine. 4pplication Papers 9) □ The specification is objected to by the Examine. 10) □ The drawing(s) filed on 23 October 2003 is/are: Applicant may not request that any objection to the orection. Replacement drawing sheet(s) including the correction.	vn from consideration. r election requirement. r. a)⊠ accepted or b)□ objected drawing(s) be held in abeyance. See ion is required if the drawing(s) is objected	e 37 CFR 1.85(a). sected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list of	s have been received. s have been received in Applicati ity documents have been receive i (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 January 2006 has been entered.

Claim Rejections - 35 USC § 112

- 3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
 - The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
- 4. Claims 5-8 and 10 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. The presence of liquid crystals disposed between the base plate and display plate is critical or essential to the practice of the invention, but not included in the claim(s) and thus not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976). The only device supported by the disclosure as originally filed that comprises a base plate, display plate, transflective layer, color filter, and two pluralities of

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electrodes is a liquid crystal display, and in such a display, the presence of liquid crystals disposed between the base plate and display plate is critical and essential to the practice of the invention.

- 5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 6. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 7. The term "lyophilic material" and "lyophilic film" renders claims 1-10 indefinite because it has been held that claims merely setting forth physical characteristics (e.g. lyophilic) desired in an article and not setting forth specific compositions which would meet such characteristics are invalid as vague and indefinite since they cover ay conceivable combination of ingredients either presently existing or which might be discovered in the future. The expression is also too broad since it appears to read upon materials that could not possibly be used to accomplish the intended purposes, such as a salt layer which would exhibit a lyophilic property towards aqueous coating compositions due to its polar nature but would dissociate upon extended exposure to the coating composition. See *Ex parte Slob*, 157 USPQ 172.
- 8. Claim 11 recites the limitation "[t]he method according to Claim 1" in the preamble. However, there is insufficient antecedent basis for this limitation in the claim since claim 1 is directed to a device and not a method.

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Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Zacharia
Frimary Examiner
Tech Center 1700